

JMBM
Jeffer Mangels
Butler & Mitchell LLP

JEFFER MANGELS BUTLER & MITCHELL LLP
MARTIN H. ORLICK (Bar No. 083908), MOrlick@jmbm.com
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111-3813
Telephone: (415) 398-8080
Facsimile: (415) 398-5584

JEFFER MANGELS BUTLER & MITCHELL LLP
EUDEEN Y. CHANG (Bar No. 211721), EChang@jmbm.com
3 Park Plaza, Suite 1100
Irvine, California 92614
Telephone: (949) 623-7200
Facsimile: (949) 623-7202

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Attorneys for Defendant
JPMorgan Chase Bank, N.A.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

RICARDO MURILLO,
Plaintiff,

v.

JPMORGAN CHASE BANK, a New York
Corporation; E JACK DALTON, Trustee
Dalton Family Trust; MURIEL DALTON,
Trustee Dalton Family Trust; E. CLARKE
MOSELEY; STEPHANIE MOSELEY; and
DOES 1 - 10,
Defendants.

CASE NO. 2:11- cv-05695 R (SHx)

**ORDER REGARDING DEFENDANT
JPMORGAN CHASE BANK, N.A.'S
MOTION TO DISMISS**

Defendant JPMorgan Chase Bank, N.A.'s ("Bank") Motion to Dismiss ("Motion")
Plaintiff Ricardo Murillo's First Amended Complaint ("Plaintiff") came regularly for hearing on
September 12, 2011, of the above-entitled court before the Honorable Manuel L. Real.
Appearances were noted for the record. The Court, having considered the Motion, the opposition,
filed by Plaintiff, and the Reply filed by Bank, and the arguments of counsel, and good cause

1 appearing therefore rules as follows.

2 The Court grants Bank's Motion, with prejudice, as to Plaintiff's first and federal
3 claim for violation of the Americans With Disabilities Act. In his complaint, Plaintiff essentially
4 pleads that he is disabled and he visited Defendant's bank branch, Defendant does not have a
5 lowered teller station, and as a result, he was denied full and equal access. This is insufficient to
6 state a claim for violation of the Americans With Disabilities Act. Under *Chapman v. Pier 1*
7 *Imports*, 631 F.3d 939 (9th Cir. 2011) Plaintiff is required to allege the necessary facts to support
8 how the purported barriers related to Plaintiff's disability and denied him "full and equal" access to
9 store, and to sufficiently allege an injury-in-fact, of the kind and nature required for Plaintiff to have
10 standing. Plaintiff has failed to plead these necessary facts and the facts he has alleged in his
11 complaint are insufficient.

12 Further, the Court declines to assert jurisdiction over the remaining state law claims,
13 and those claims are therefore also dismissed, without prejudice, for reasons as stated above and on
14 the record.

15 IT IS SO ORDERED.

16
17 DATED: January 30, 2012

By: 

THE HONORABLE MANUEL L. REAL JUDGE
OF THE UNITED STATES DISTRICT COURT

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